GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

JWCS&WSC Dept. – Declaration of Places of Safety as per Section 49(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 – Orders - Issued

DEPT. FOR WOMEN, CHILDREN, DIFFERENTLY ABLED & SENIOR CITIZENS (PROG.1)

G.O.Rt.No.2 Dt.03/01/2017

Read:-

From the Director, JW, CS&WSC, A.P, Hyd. Lr. No.P2/53/2016, Dt.06.05.2016, 23.08.2016 & 22.11.2016

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ORDER:

In the reference read above, the Director, JW, CS&WSC, A.P. has stated that the new Juvenile Justice (Care & Protection of Children) Act, 2015, which came into force w.e.f. 15.01.2016, has brought several new provisions in place of old ones in the previous Act and stated that a person who has committed offence as a child and completed eighteen years of age at the time of apprehension and if such person is not released on bail, shall be placed in a place of safety. Further, in case a person who takes claim of being a child and if the same is being inquired into, such person may be placed, in the intervening period, in a place of safety. Further, the Children's Court shall ensure that the child who is found to be in conflict with law is sent to a place of safety till he attains the age of twenty-one years and thereafter, the person shall be transferred to a jail to continue for the remaining period of stay. Further, the children between 16 and 18 years of age, who are found to have committed heinous offences and whose cases are pending before the Juvenile Justice Boards are to be kept in the Place of Safety attached to an Observation Home. Place of Safety is defined under Section 2 (46) as 'any place or institution, not being a police lockup or jail, established separately or attached to an Observation Home or Special Home, as the case may be, the person in charge of which is willing to receive and take care of the children alleged or found to be in conflict with law, by an order of the Board or the Children's Court, both during inquiry and ongoing rehabilitation after having been found guilty for a period and purpose as specified in the order'. As per Section 49 (1) of the Act the State Govt. shall set up at least one place of safety in a State registered under Section 41, so as to place a person above the age of eighteen years or child in conflict with law, who is between the age of sixteen to eighteen years and is accused of or convicted for committing a heinous offence. She has stated that as per sub section (2) of Section 49, every place of safety shall have separate arrangement and facilities for stay of such children or persons during the process of inquiry and children or persons convicted of committing an offence. She has further stated that as there is no 'place of safety' so far established by the Govt. in the State and in the circumstances as explained above and as needed by the Act, she has submitted the following proposal to establish institutes by the Govt. as 'Place of Safety', as follows:

1. **Place of Safety attached to Observation Home for Boys:**
   To identify the existing Govt. Observation Home for Boys, Visakhapatnam as Place of Safety attached to Observation Home for Boys in the State and to function under the control of the Superintendent as part of the Govt. Observation Home for Boys at Visakhapatnam.

2. **Place of Safety attached to Special Home for Boys:**
   To identify the existing Govt. Special Home for Boys, Tirupathi as Place of Safety attached to Special Home for Boys in the State and to function under the control of the Superintendent as part of the Govt. Special Home for Boys at Tirupathi.

(P.T.O.)

3. **Place of Safety attached to Observation Home for Girls:**
   To identify the existing Govt. Special-cum-Children Home and Observation Home for Girls, Visakhapatnam as Place of Safety attached to Observation Home for Girls in the State and to function under the control of the Superintendent as part of the Govt. Special-cum-Children Home and Observation Home for Girls, at Visakhapatnam..

4. **Place of Safety attached to Special Home for Girls:**
   To identify the existing Govt. Special-cum-Children Home and Observation Home for Girls, Visakhapatnam as Place of Safety attached to Special Home for Girls in the State and to function under the control of the Superintendent as part of the Govt. Special-cum-Children Home and Observation Home for Girls, at Visakhapatnam.

2. She has further stated that the Places of Safety are proposed to be established in the premises of existing Homes i.e., each one attaching to Observation Home for Boys, Visakhapatnam, Special Home for Boys, Tirupati and Observation Home for Girls & Special Home for Girls, Visakhapatnam. As such, minor, one-time infrastructural changes would be required to provide such facilities or services to meet the prescriptions made, if any, in the Rules, for which they have sufficient funds under ICPS. Since the places of safety will physically be abutting to the position of the building of the above Homes, services of certain officers and staff members like Superintendent, Clerk, Cook etc., will be utilized for these institutions also. However, guarding staff would be required, as the children admitted in these institutions will be above 16 years of age and will be involved in heinous offences and the guarding staff of the existing Homes would not be sufficient. It is therefore requested that permission may please be accorded to appoint nine Helpers @ three in each Place of Safety (3 X 3 = 9) at a monthly salary of Rs.6,000/- for each person, as per the guidelines of ICPS, and pay their salaries from ICPS funds for the current financial year. For this they have sufficient funds under ICPS. This will be a temporary arrangement and proposals will be submitted to the Government of India for the next financial year for sanction of Grant-in-aid to run those Places of Safety as separate institutions on the lines of ICPS norms.

3. She has therefore requested to consider the above proposal and issue necessary orders declaring the above institutions as Places of Safety in the state for the purpose of Section 49 (1) of the Juvenile Justice Act, 2015 and to appoint care givers and pay their salaries from ICPS funds.

4. After careful examination of the matter, Govt. hereby declare the following homes as places of safety in the State under Section 49 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015

1) Govt. Observation Home for Boys, Visakhapatnam,
2) Govt. Special Home for Boys, Tirupathi,
3) Govt. Special-cum-Children Home and Observation Home for Girls, Visakhapatnam

5. Accordingly, the following orders are hereby issued:-

1. **Place of Safety attached to Observation Home for Boys:**

   The existing Govt. Observation Home for Boys, Visakhapatnam as Place of Safety attached to **Observation Home for Boys** in the State and to function under the control of the Superintendent as part of the Govt. Observation Home for Boys at Visakhapatnam. The staff of the Observation Home will also attend the duties of Place of Safety. The Hall appurtenant to the Observation Home will be utilized for the purpose of Place of safety.

(Conttd…3)

2. Place of Safety attached to Special Home for Boys:

The existing Govt. Special Home for Boys, Tirupathi as Place of Safety attached to **Special Home for Boys** in the State and to function under the control of the Superintendent as part of the Govt. Special Home for Boys at Tirupathi. The staff of the Special Home will also attend the duties of Place of Safety. The Hall appurtenant to the Special Home will be utilized for the purpose of Place of safety.

3. Place of Safety attached to Observation Home for Girls:

The existing Govt. Special-cum-Children Home and Observation Home for Girls, Visakhapatnam as Place of Safety attached to **Observation Home for Girls** in the State and to function under the control of the Superintendent as part of the Govt. Special-cum-Children Home and Observation Home for Girls, at Visakhapatnam. The staff of the Observation Home will also attend the duties of Place of Safety. The Superintendent has to indentify suitable space in the existing Observation Home for the purpose of Place of safety.

4. Place of Safety attached to Special Home for Girls:

The existing Govt. Special-cum-Children Home and Observation Home for Girls, Visakhapatnam as Place of Safety attached to **Special Home for Girls** in the State and to function under the control of the Superintendent as part of the Govt. Special-cum-Children Home and Observation Home for Girls, at Visakhapatnam. The staff of the Special Home will also attend the duties of Place of Safety. The Superintendent has to indentify suitable space in the existing Special Home for the purpose of Place of safety.

6. Permission is also hereby accorded to Director, Juvenile Welfare, Correctional Services and Welfare of Street Children, A.P., Vijayawada to appoint 9 Helpers, three in each Place of Safety (3 X 3 = 9) at a monthly salary of Rs.6,000/- for each person, as per the guidelines of ICPS and procedures laid therein (additional budget of Rs.54,000/- per month for each Place of Safety), subject to meet the expenditure from available funds of ICPS under the component of 'Institutional Services'.

7. The Director, Juvenile Welfare, Correctional Services and Welfare of Street Children, A.P., Vijayawada shall take necessary action accordingly.

8. This order is issued with the concurrence of Finance (FMU(WCDLH)) Dept. vide their U.O. No. Fin-49027/141/2016-SO(FMU(WCDLH)), dt.13.12.2016.

9. This order is available on internet and can be accessed at address http://goir.ap.gov.in.

(BY ORDER IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.JAYALAKSHMI,
SECRETARY TO GOVERNMENT.

To,
The Director, JW,CS&WSC, A.P., Vijayawada.

Copy to:-

The District Collectors concerned .
The Superintendents of Homes through the Director, JW,CS&WSC, A.P.
The Spl. Commissioner, WD&CW Dept., A.P., Guntur.

The P.S. to Hon'ble Minister (WCDA&SCs)
The P.S. to Prl. Secy. to Govt., Dept. for WCDA&SCs,
The P.S. to Secy. to Govt., Dept. for WCDA&SCs,
The Pay & Accounts Office, A.P, Vijayawada.
The Accountant General, AP, Hyderabad.
SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER